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530 7590 07/23/2010  
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EXAMINER

SU, SARAH

ART UNIT

PAPER NUMBER

2431

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,853	<b>Applicant(s)</b> MIURA ET AL.	
	<b>Examiner</b> Sarah Su	<b>Art Unit</b> 2431	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 13-18, 20-26, 28-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 13-18, 20-26, 28-34, 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 June 2010 has been entered. In this amendment, claims 1, 8-10, 13-15, 22, 23, 30, 31, and 38 have been amended.
2. Claims 1-4, 6-10, 13-18, 20-26, 28-34, and 36-38 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4, 6-10, 13-18, 20-26, 28-34, and 36-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13, 14, 31-34, and 36-38 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Claims 13 and 14 recite "A computer-readable storage medium" which typically covers forms of non-transitory tangible media

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and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media. Therefore, claims 13 and 14 are considered to be non-statutory. Claims 31-34 and 36-38 recite "A recording medium" which typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media. Therefore, claims 31-34 and 36-38 are considered to be non-statutory. It is noted that adding the limitation "non-transitory" to the claim would exclude transitory propagating signals *per se* and would thus make the claim statutory.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-10, 13-18, 20-26, 28-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Win et al. (US Patent 6,182,142 B1 and Win hereinafter) in view of Gorsuch et al. (US 2002/0133611 A1 and Gorsuch hereinafter) and further in view of Shen et al. (US 2004/0139170 A1 and Shen hereinafter).

As to claims 1, 9, and 13, Win discloses a system and method for distributed access management of information resources, the system and method having:

**display means** (i.e. browser) (100, Figure 1);

**mediating means** (i.e. runtime module) (Abstract, line 6);

**authentication-information transmitting means** (i.e. access server)

(106, Figure 1);

**the display means having (i) a display function for displaying electronic information provided through a network so that a user can browse the information** (i.e. menu) (col. 6, lines 17-19), **(ii) a specifying-information receiving function for receiving specifying information** (i.e. select resource) **for specifying the mediating means** (col. 6, lines 17-23), and **(iii) a specifying function for specifying the mediating means using the received specifying information** (col. 6, lines 22-23);

**the mediating means** (i.e. runtime module) **being operable to start the authentication-information transmitting means when specified by the specifying function** (i.e. request) (Abstract, lines 6-8);

**the authentication-information transmitting means being operable to transmit device-authentication information** (i.e. name and password) **to an authentication server** (i.e. registry server) (col. 9, lines 65-67);

**authentication being performed by an authentication server** (col. 12, lines 24-29, 33-36).

Win discloses:

**a plug-in to be started at the terminal device** (col. 7, lines 42-50), but does not explicitly disclose where the plug-in is specified by an EMBED tag.

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It is well known in the art that an EMBED tag is used in an HTML page to incorporate a plug-in, as evidenced by HTML Code Tutorial (page 1). Therefore, since Win discloses that services are structured as plug-ins, these plug-ins use the EMBED tag.

Win fails to specifically disclose:

**a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done and the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win, as taught by Gorsuch.

Gorsuch discloses a system and method for facilitating real-time multi-point communications over a network, the system and method having:

**a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done (0047, lines 11-17; 0051, lines 15-20; 0097, lines 1-3).**

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Given the teaching of Gorsuch, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win with the teachings of Gorsuch by starting a plug-in to start authentication. Gorsuch recites motivation by disclosing that using a plug-in for authentication prior to allowing a user access provides for real-time communications among a plurality of remote clients in a scaleable system which dynamically allocates resources (0011, lines 1-6). It is obvious that the teachings of Gorsuch would have improved the teachings of Win by using a plug-in for authentication prior to granting access in order to provide for real-time communications for remote clients.

Win in view of Gorsuch fails to specifically disclose:

**the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win in view of Gorsuch, as taught by Shen. Shen discloses a system and method for management of shared wide area network connection, the system and method having:

**the address of a site to be accessed by the terminal device when authentication cannot be done** (0110, lines 7-15).

Given the teaching of Shen, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win in view of Gorsuch with the teachings of Shen by providing an

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alternative destination address for when authentication cannot be done. Shen recites motivation by disclosing that an alternative destination address provides for a route for a user when they are not able to connect (0122, lines 9-14). It is obvious that the teachings of Shen would have improved the teachings of Win in view of Gorsuch by providing another address in order to provide an alternative route for when a user is unable to connect.

As to claim 2, Win discloses:

**authentication-result receiving means for receiving an authentication result from the authentication server** (i.e. registry server) (col. 9, line 67; col. 10, lines 1-2);

**authentication-result transmitting means for transmitting the received authentication result** (i.e. tokens) **to a providing server** (i.e. resources on protected server) **operable to provide electronic information** (col. 2, lines 39-40);

**electronic-information receiving means for receiving the electronic information transmitted** (i.e. granting access) **from the providing server** (i.e. resources) **based on the transmitted authentication result** (col. 3, lines 36-37).

As to claim 3, Win discloses:



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**where the mediating means (i.e. runtime module) has a using function for using the electronic information (i.e. cookies) received from the providing server (i.e. protected server) (col. 7, lines 1-3, 62-63).**

As to claim 4, Win discloses:

**requesting means for sending a request (i.e. login request) for electronic information to the providing server (i.e. protected server) (Abstract, lines 6-7; col. 3, lines 33-34);**

**where the specifying-information receiving function receives the specifying information (i.e. selected resource) transmitted from the providing server (i.e. resource on protected server) based on the request for electronic information (col. 6, lines 17-23).**

As to claim 6, Win discloses:

**where the device-authentication information is transmitted to a plurality of authentication servers (i.e. registry server), network locations of the respective authentication servers are received by the display means, and the network locations are ranked in an access precedence order (i.e. access 2<sup>nd</sup> if 1<sup>st</sup> is busy) (col. 4, lines 65-67; col. 5, line 1; col. 7, lines 58-60).**

As to claim 7, Win discloses:

**the specifying-information receiving function receives the specifying information including access information (i.e. name and password) used to access the providing server (col. 9, lines 63-65);**

**the authentication-result transmitting means accesses the providing server using the received access information (col. 9, lines 65-67).**

As to claims 8, 10, and 14, Win discloses:

**transmitting specifying information for specifying the mediating means from the specifying-information transmitting means to the display means of the terminal (col. 6, lines 17-23), the mediating means using the specifying information to start the authentication-information transmitting means (Abstract, lines 6-7);**

**receiving in the authentication-result receiving means an authentication result (i.e. cookie) sent from the terminal device (i.e. browser) (col. 11, lines 9, 12-13);**

**transmitting electronic information from the electronic-information transmitting means to the terminal device based on the received authentication result (col. 2, lines 38-40);**

**authentication being performed by an authentication server (col. 12, lines 24-29, 33-36).**

Win discloses:

**a plug-in to be started at the terminal device** (col. 7, lines 42-50), but does not explicitly disclose where the plug-in is specified by an EMBED tag. It is well known in the art that an EMBED tag is used in an HTML page to incorporate a plug-in, as evidenced by HTML Code Tutorial (page 1). Therefore, since Win discloses that services are structured as plug-ins, these plug-ins use the EMBED tag.

Win fails to specifically disclose:

**authentication being performed by an authentication server, and a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done and the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win, as taught by Gorsuch.

Gorsuch discloses:

**authentication being performed by an authentication server, and a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal**

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**device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done** (0047, lines 11-17; 0051, lines 15-20; 0097, lines 1-3).

Given the teaching of Gorsuch, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win with the teachings of Gorsuch by starting a plug-in to start authentication. Please refer to the motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Gorsuch to the teachings of Win.

Win in view of Gorsuch fails to specifically disclose:

**the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win in view of Gorsuch, as taught by Shen.

Shen discloses:

**the address of a site to be accessed by the terminal device when authentication cannot be done** (0110, lines 7-15).

Given the teaching of Shen, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win in view of Gorsuch with the teachings of Shen by providing an alternative address for when authentication cannot be done. Please refer to the

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motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Shen to the teachings of Win in view of Gorsuch.

As to claims 15, 23, and 31, Win discloses:

**information communication means** (i.e. browser) (100, Figure 1);

**electronic-information using means** (i.e. runtime module) (Abstract, line 6);

**authentication-information management means** (i.e. access server) (106, Figure 1);

**the information communication means having (i) a function for receiving authentication trigger information (i.e. select resource) required for using electronic information provided through a network (col. 6, lines 17-23), (ii) a function for analyzing (i.e. determine) specifying information for specifying the electronic-information using means based on the authentication-trigger information (i.e. request) (Abstract, lines 9-10), and (iii) a specifying function for specifying the electronic-information using means based on the specifying information (col. 6, lines 22-23);**

**the electronic-information means (i.e. runtime module) being operable to start the authentication-information management means when specified by the specifying function (i.e. request) (Abstract, lines 6-8);**

**the authentication-information management means being operable to read device-authentication information (i.e. name and password), and to**

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**transmit the device-authentication information to an authentication server**

(i.e. registry server) (col. 9, lines 65-67).

Win discloses:

**a plug-in to be started at the terminal device** (col. 7, lines 42-50), but

does not explicitly disclose where the plug-in is specified by an EMBED tag.

It is well known in the art that an EMBED tag is used in an HTML page to incorporate a plug-in, as evidenced by HTML Code Tutorial (page 1). Therefore, since Win discloses that services are structured as plug-ins, these plug-ins use the EMBED tag.

Win fails to specifically disclose:

**a network location of the authentication server being received by the information communication means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done and the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win, as taught by Gorsuch.

Gorsuch discloses:

**a network location of the authentication server being received by the information communication means as part of an EMBED tag which**

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**specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done** (0047, lines 11-17; 0051, lines 15-20; 0097, lines 1-3).

Given the teaching of Gorsuch, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win with the teachings of Gorsuch by starting a plug-in to start authentication. Please refer to the motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Gorsuch to the teachings of Win.

Win in view of Gorsuch fails to specifically disclose:

**the address of a site to be accessed by the terminal device when authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win in view of Gorsuch, as taught by Shen.

Shen discloses:

**the address of a site to be accessed by the terminal device when authentication cannot be done** (0110, lines 7-15).

Given the teaching of Shen, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win in view of Gorsuch with the teachings of Shen by providing an alternative address for when authentication cannot be done. Please refer to the

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motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Shen to the teachings of Win in view of Gorsuch.

As to claims 16, 24, and 32, Win discloses:

**the authentication-information management means** (i.e. access server) **receives an authentication result from the authentication server** (i.e. registry server) (col. 9, line 67; col. 10, lines 1-2);

**the electronic-information using means transmits the authentication result** (i.e. tokens) **to a providing server operable to provide the electronic information** (col. 2, lines 39-40);

**the information communication means receives the electronic information** (i.e. granting access) **transmitted from the providing server** (i.e. resources) **based on the transmitted authentication result** (col. 3, lines 36-37).

As to claims 17, 25, and 33, Win discloses:

**where the electronic-information using means has a using function for using the electronic information** (i.e. cookies) **received from the providing server** (i.e. protected server) (col. 7, lines 1-3, 62-63).

As to claims 18, 26, and 34, Win discloses:



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**where the electronic-information using means is operable to enable** (i.e. display) **a user to browse the electronic information** (col. 6, lines 17-19), **to play back electronic information as music content, or to play back electronic information as moving-picture content** (i.e. applet) (col. 5, lines 27-28).

As to claims 20, 28, and 36, Win discloses:

**wherein the device-authentication information is transmitted to a plurality of authentication servers** (i.e. registry server), **network locations of the respective authentication servers are received by the information communication means, and the network locations are ranked in an access precedence order** (i.e. access 2<sup>nd</sup> if 1<sup>st</sup> is busy) (col. 4, lines 65-67; col. 5, line 1; col. 7, lines 58-60).

As to claim 21, 29, and 37, Win discloses:

**the authentication-trigger information includes providing-server access information** (i.e. name and password) **used to access the providing server** (col. 9, lines 63-65), **and the step of transmitting the authentication result from the authentication-information management means to the providing server using the providing-server access information** (col. 9, lines 65-67).

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As to claims 22, 30, and 38, Win discloses:

**authentication-trigger-information transmitting means for transmitting, to the terminal device (i.e. browser), authentication-trigger information (i.e. selected resource) including specifying information for specifying electronic-information using means** (col. 6, lines 17-23);

**authentication-result receiving means for receiving an authentication result (i.e. cookie) from the terminal device (i.e. browser)** (col. 11, lines 9, 12-13);

**electronic-information providing means for providing electronic information (i.e. tokens) to the terminal device (i.e. client) based on the received authentication result** (col. 2, lines 38-40);

**authentication being performed by an authentication server** (col. 12, lines 24-29, 33-36).

Win discloses:

**a plug-in to be started at the terminal device** (col. 7, lines 42-50), but does not explicitly disclose where the plug-in is specified by an EMBED tag.

It is well known in the art that an EMBED tag is used in an HTML page to incorporate a plug-in, as evidenced by HTML Code Tutorial (page 1). Therefore, since Win discloses that services are structured as plug-ins, these plug-ins use the EMBED tag.

Win fails to specifically disclose:

**authentication being performed by an authentication server, and a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done and the address of a site to be accessed by the terminal device by authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win, as taught by Gorsuch.

Gorsuch discloses:

**authentication being performed by an authentication server, and a network location of the authentication server being received by the display means as part of an EMBED tag which specifies a plug-in of the terminal device configured to start authentication to be started at the terminal device and which specifies the address of a site to be accessed by the terminal device when device authentication is successfully done (0047, lines 11-17; 0051, lines 15-20; 0097, lines 1-3).**

Given the teaching of Gorsuch, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win with the teachings of Gorsuch by starting a plug-in to start

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authentication. Please refer to the motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Gorsuch to the teachings of Win.

Win in view of Gorsuch fails to specifically disclose:

**the address of a site to be accessed by the terminal device by authentication cannot be done.**

Nonetheless, this feature is well known in the art and would have been an obvious modification of the teachings disclosed by Win in view of Gorsuch, as taught by Shen.

Shen discloses:

**the address of a site to be accessed by the terminal device by authentication cannot be done** (0110, lines 7-15).

Given the teaching of Shen, a person having ordinary skill in the art at the time of the invention would have readily recognized the desirability and advantages of modifying the teachings of Win in view of Gorsuch with the teachings of Shen by providing an alternative address for when authentication cannot be done. Please refer to the motivation recited above with respect to claims 1, 9, and 13 as to why it is obvious to apply the teachings of Shen to the teachings of Win in view of Gorsuch.

***Prior Art Made of Record***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Mulder et al. (US 2002/0172367 A1) discloses a system and method for secure electronic information transmission.
- b. Piccinini et al. (US 2009/0257596 A1) discloses a system and method for managing document access.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Su whose telephone number is (571) 270-3835. The examiner can normally be reached on Monday through Friday 7:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431

/Sarah Su/  
Examiner, Art Unit 2431